

**REMARKS**

Applicant respectfully requests reconsideration of this application in view of the the following remarks.

**A. Status of Claims**

Claims 1-19 are pending.

**B. Rejection Under 35 U.S.C. §102(e)**

Claims 1, 3-8, 10-12, 14-16, 18 and 19 were rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent Application Publication No. 2005/0225662 by Tsuda (“Tsuda”). Applicant respectfully traverses the rejection. The requirements of the rejection fail because Tsuda fails to disclose a brightness value correction device which calculates a second brightness value by correcting the first brightness value on the basis of a light reduction amount generated by inserting the optical filter by the filter insertion/removal device operated by the user, as recited in Applicant’s claim 1.

Applicant’s claim 1 recites:

“1. An image sensing apparatus having at least a filter insertion/removal device which is operated by a user and inserts and removes an optical filter for reducing a light quantity to an image sensing element serving as an optical system, comprising:

a signal processing device which performs signal processing so as to generate image data from an image sensing signal output from the image sensing element;

a brightness value calculation device which calculates a first brightness value representing a brightness of part or all of an object which is imaged on the image sensing element;

a brightness value correction device which calculates a second brightness value by correcting the first brightness value on the basis of a light reduction amount generated by inserting the optical filter by the filter insertion/removal device operated by the user; and

a control device which controls the signal processing in said signal processing device by using the second brightness value.”

Tsuda is directed to a quantity-of-light adjusting apparatus. Tsuda teaches an image pickup apparatus that detects a luminance signal (step **S201**) and compares it to a predetermined reference value. (Tsuda, ¶ 0108). If the luminance signal is greater than the reference value, the iris **503** is caused “to operate in the closing direction”, and if the luminance signal is less than the reference value, the iris is caused “to operate in the opening direction,” (step **S202**). (Tsuda, ¶ 0108). Subsequently, “the state of the [neutral density]-filter switching lever **510**” is detected to be stable in the ON-state, stable in the OFF-state, changed from the ON-state to the OFF-state, or changed from the OFF-state to the ON-state. (Tsuda, ¶ 0109). If the ND-filter is either stable in the ON- or OFF-states, then “low speed mode” for controlling the iris is selected. (Tsuda, ¶ 0110). On the other hand, if the ND-filter is detected to be in one of the changed states, then “high speed control mode” is selected. (Tsuda, ¶ 0110).

Tsuda thus teaches setting the iris control mode to low speed or high speed depending upon detections of the state of the ND-filter. But it only detects whether the ND-filter state has changed between ON and OFF or not changed at all. Tsuda does not teach detecting or generating a light reduction amount based on a change of state of the ND-filter, or based on the ND-filter itself. Tsuda thus fails to disclose, teach or suggest, “a brightness value correction device which calculates a second brightness value by correcting the first brightness value on the basis of a light reduction amount generated by inserting the optical filter by the filter insertion/removal device operated by the user,” as recited in Applicant’s claim 1. For that reason, it also cannot teach, “a control device which controls the signal processing in said signal processing device by using the second brightness value,” also recited in Applicant’s claim 1.

The Office Action asserts that “the iris Low-Speed Control Signal is interpreted as the first brightness value” and the “the Iris High-Speed Control Signal which is differed from the Iris Low-Speed Control signal is interpreted as the second brightness value.” (Office Action, p. 3). Applicant respectfully disagrees. First, a low-speed iris control *mode* does not teach or suggest a brightness value “representing a brightness of part or all of an object,” as recited in Applicant’s claim 1. Second, Tsuda does not teach that the low-speed mode versus the high-speed mode is determined based upon a light-reduction amount generated by the ND-filter or the brightness of an object. Rather, it is based only on whether there is a change in the ON/OFF state of the ND-filter. Tsuda thus fails to teach the second brightness value as recited in Applicant’s claim 1.

Thus, Tsuda fails to teach each element of Applicant’s claim 1, and claim 1 is respectfully submitted to be in condition for allowance. For at least similar reasons, 3-8, 10-12, 14-16, 18 and 19 are also respectfully submitted to be in condition for allowance.

### C. Rejection Under 35 U.S.C. § 103(a)

Claims 2, 9, 13 and 17 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Tsuda in view of U.S. patent No. 5,900,947 to Kenmochi. Applicant respectfully traverses the rejection. Nevertheless, for at least similar reasons discussed above with respect to Applicant’s claim 1, claims 2, 9, 13 and 17 are also respectfully submitted to be in condition for allowance.

Applicant has chosen in the interest of expediting prosecution of this patent application to distinguish the cited documents from the pending claims as set forth above. These statements should not be regarded in any way as admissions that the cited documents are, in fact, prior art. Additionally, Applicant has not specifically addressed the rejections of the dependent

claims. Applicant respectfully submits that the independent claim, from which they depend, is in condition for allowance as set forth above. Accordingly, the dependent claims also are in condition for allowance. Applicant, however, reserves the right to address rejections of the dependent claims in the future as appropriate

**CONCLUSION**

Applicant respectfully requests reconsideration and withdrawal of the rejection of Claims and allowance of this application.

**AUTHORIZATION**

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 504827, Order No. 1232-5142. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No 504827, Order No. 1232-5142. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,  
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By:



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